



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 25, 2014

Agenda Item: Review and Comment (RC-14-161) for an addition **30 Northwood Avenue**- Property is zoned R-4/ Brookwood Hills Conservation District.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1930 and is considered contributing. In looking at a recent survey picture, the existing dwelling has been significantly altered since the district's designation.

Analysis: The following code sections apply to this application:
Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

Conservation Districts Exempted: Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the Commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property.

Sec. 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's historic or landmark districts, therefore the Commission should refer to Further Standards listed in Chapter 20 of the zoning ordinance, which apply to all locally designated districts and properties.

The Applicant is proposing to remove an existing brick patio and wall at the rear of the property to accommodate a rear addition. In general, Staff finds the removal of the existing brick patio and wall do not impact the historic materials or character of the existing house. Staff finds the overall design, height, massing, location and materials of the proposed addition are consistent and compatible with the existing house. As the addition is inset and located in the rear, Staff finds the addition will not be visible from the street and therefore will have no negative impact on the streetscape. Staff has no concerns regarding the proposed addition.

Staff recommends the Commission send a letter with comments to the Applicant.



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STAFF REPORT

June 25, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-162) for a rear deck addition at 257 Peters Street - Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: The existing one story building is located on the west side of Peters Street and occupies a portion of a 50 ft. wide lot. The rest of the lot is occupied by another commercial building. According to the Castleberry Hill inventory sheets, the commercial building was built around 1910 and is considered contributing. The building has been occupied by a variety of eating and drinking establishment for many years. This is also the current occupant. It is the Staff's understanding that a portion of the rear, covered deck has already been built.

Analysis: The following code sections apply to this application:

Per Section 16-20N.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the proposed Castleberry Landmark District.

Section 16-20N.005. Certificates of Appropriateness.

4. Type III certificates of appropriateness shall be required for:

- (b) All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.

Section 16-20N.006. General Regulations.

The following general regulations shall apply to all properties located within the District.

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (a) The historic character of a property shall be retained and preserved.
 - (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

- (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
 - (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.
2. Compatibility rule.
- (a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."
 - (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
8. Off-street and off-site parking.
- (a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.
 - (b) The number of required off-street parking spaces is set out in each subarea.
9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
- (b) Setbacks.
 - i. The façades of principal buildings facing a public street shall not be setback from the property line.
 - ii. Façades of a principal building adjacent to a side property line shall not be setback from the side property line, except under the following circumstances:
 - a. Façades with windows shall meet section 704.8 of the 2000 International Building Code, and shall not exceed six feet.
 - b. In the case of the installation of a driveway along a side property line, the façade shall be setback ten feet from the property line for one-way drives and 20 feet for two-way drives.
 - iii. There shall be no rear yard setback requirements.
 - (g) Façade Materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any facade.
13. Fences, walls, and retaining walls.
- (a) Fences shall be no more than ten feet high.
 - (b) Fences between the principal building and the public street shall be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.
 - (c) Fences to the rear or side of the principal building shall be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.
 - (d) Walls shall not be permitted between the principal building and the public street. Walls shall be no more than ten feet high. Walls, including retaining walls, shall be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - (e) Retaining walls adjacent to a public street or sidewalk shall not exceed four feet in height, unless required by existing site topography.
 - (f) Adjacent to a public street or sidewalk, the total height of any combination of fencing, wall and/or retaining wall shall not exceed ten feet.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

- 1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
 - (a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.

- (c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
- (e) Facades.
 - i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.
 - ii. Covering of the original façade shall not be permitted.
 - iii. Painting of unpainted stone, terra cotta, and brick is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
 - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
- (g) Loading areas, loading dock entrances, and building mechanical and accessory features.
 - i. Commercial dumpsters shall not be visible from any public street. Residential dumpsters shall not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
- 2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
 - (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. Eating and drinking establishments.
- 3. Off-Street Parking Requirements

The following parking requirements shall apply to all uses:

 - (a) Off-street parking shall not be permitted between the principal building and the public street.
 - (b) Off-street parking may be located in a rear or side yard.
 - (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
 - (d) Eating and drinking establishments: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

Sec. 16-20N.009. Additional use regulations.

In addition to the regulations governing permitted uses set forth in this Chapter, or elsewhere in this Code the following regulations shall apply to permitted uses in this district:

- 1. Eating and drinking establishments. The following supplemental regulations shall apply in Subarea 1 and Subarea 2:
 - (a) No eating and drinking establishment with an alcohol license may be located within 250 feet of another eating and drinking establishment with an alcohol license, including an establishment located outside of the Castleberry Hill Landmark District.
 - (b) Notwithstanding the location of any other premises with an alcohol license, an eating and drinking establishment where sales of alcoholic beverages by the drink constitute less than 50 percent of gross sales may be located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than 25 percent of the total square footage of nonresidential floor area in such mixed-use development.
 - (c) Accessory outdoor dining area to any eating and drinking establishment which is otherwise permitted by these regulations may not be located within 100 feet of any dwelling except those located in the same structure;

Outdoor dining cannot be located within 100 ft. of any dwelling unit in any direction. While some outdoor dining might have existed before, the formalization and covering of some of that area requires the current zoning regulation to be met. There are several condominium / apartment buildings nearby, as well as there could be individual dwellings in nearby buildings. The Staff would recommend the Applicant confirm and document on a site plan or survey that no dwellings units are located within 100 ft. of the outdoor dining area. If this requirement cannot be met, a variance will be required from the Urban Design Commission.

The site plan included with the submission shows that the building is located on a larger parcel, but does not show the other building located on the parcel to the south or other nearby buildings. Given the proximity of the buildings to each other and that two other buildings “frame” the rear yard of the subject building, the Staff finds it is important to understand how this addition relates to its surroundings. Further, there appears to be existing improvements on the property to the rear of the building including a fence / wall that are not shown on the site plan. It is also not clear if these improvements have been permitted by the City. The Staff would recommend the Applicant provide accurate and complete existing and proposed site plans, including all adjacent improvements and buildings and provide documentation of proper permitting by the City.

It is not clear from the submission how the proposed roof of the deck will be drained given that there are two buildings immediately adjacent to each side of the proposed deck. Further, the footers for the proposed deck could be on top of or near the foundation of the adjacent buildings. The Staff would recommend that the Applicant provide a detail of the construction technique for the proposed footers in relation to the existing buildings’ foundations and how the roof will be properly drained.

Presuming that the dumpster, loading area, and mechanical equipment for the building are currently located to the rear of the building, the proposed deck would likely require these features to be relocated on the property. The site plan does not indicate any of these features. The Staff would recommend that the proposed site plan show all accessory and mechanical features and that the location, design, and screening of the features comply with the District regulations.

While the proposed roof the deck is metal, it appears most of the remaining components are wood. The Staff would recommend that a substantial portion of the structure be metal to be more compatible with the commercial aesthetic of the building and district.

The Staff would add that given the proposed design of the deck (and that the property owner appears to have already done construction work without a City permit), the Staff is concerned that the deck will become enclosed in the future, thus permanently increasing the square footage of the eating / drinking establishment. Apart from the permit violation this could represent, this would also require the eating and drinking establishment to provide for off-street parking.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20N.006; except as noted above.

Staff recommends approval of the application for an Application for a Type III Certificate of Appropriateness (CA3-14-162) for a rear deck addition at 257 Peters Street - Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Applicant shall confirm and document on a site plan or survey that no dwellings units are located within 100 ft. of the outdoor dining area, per Section 16-20N.009(1)(c) ;
2. The Applicant shall provide accurate and complete existing and proposed site plans, including all adjacent improvements and buildings and provide documentation of proper permitting by the City, per Section 16-20N.006(1);
3. The Applicant shall provide a detail of the construction technique for the proposed footers in relation to the existing buildings’ foundations and how the roof will be properly drained, per Section 16-20N.006(1);
4. The proposed site plan shall show all accessory and mechanical features and that the location, design, and screening of the features comply with the District regulations, per Section 16-20N.007(1)(g);
5. A substantial portion of the structure shall be metal to be more compatible with the commercial aesthetic of the building and district, per Section 16-20N.006(1) and 16-20N.007(1)(c) ; and
6. The Staff shall review, and if appropriate approve, the final elevations, plans, and supporting materials.



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STAFF REPORT June 25, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-14-169) for a subdivision of one lot into two lots at **962 Boulevard**-Property is zoned R-5/ Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Michael Dryden
398 Grant Park Place

Facts: According to the Grant Park Inventory sheet this single-family house was built in 1913 and is considered contributing.

In 2013, the Commission reviewed an application for a Type III Certificate of Appropriateness (CA3-13-177) for a subdivision. The application was denied.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:

1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

According to the site plan submitted, the existing lot fronts 108.62' on Boulevard and has a depth of 188.94' on Robinson. In looking at the City of Atlanta cadastral map, the lot fronts 110' on Boulevard and has a depth of 190' on Robinson. Staff suggests the Applicant work with the Office of Planning subdivision Staff to resolve the lot dimension discrepancy.

The Applicant is proposing to subdivide an existing lot into two lots. In looking at the district as a whole, Staff finds that most lots are rectilinear, have frontages that range from 50-70 feet and have depths that range from 140-200 feet. The proposed lots are rectilinear, have 54.31' of frontage on Boulevard and have depths that ranges from 188.94' to 190'. Staff finds the proposed subdivision is consistent with the existing and historic lot pattern. As further evidence of the historic platting pattern, Staff would note that the Sanborn Maps indicate this lot was previously two separate lots.

Per the underlying R-5 zoning, the resulting lots must have a minimum of 50' of frontage and no less than 7500 square feet. Staff finds the proposed lots meet the minimum underlying zoning requirements. Staff finds the proposed subdivision will actually restore the property to its historic configuration. Given the information we have at this time, Staff finds the proposed subdivision is appropriate. Staff has no concerns regarding the proposed subdivision.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.006(3);

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-169) for a subdivision of one lot into two lots at **962 Boulevard**-Property is zoned R-5/ Grant Park Historic District (Subarea 1)/Beltline.



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STAFF REPORT

June 25, 2014

Agenda Item: Application for a Review and Comment (RC-14-170) for a revision to plans and site work at **4012 Peachtree Dunwoody Road (Little Nancy Creek Park-** Property is zoned R-5.

Applicant: Patrick Hand
28 Third Avenue

Facts: Little Nancy Creek Park is located on the corner of Peachtree Dunwoody and in North Buckhead.

On September 28, 2011, the Commission delivered comments on Review and Comment (RC-11-170) on the Master Plan and implementation of Phase I for Little Nancy Creek.

Analysis: The following code sections apply to this application:
Per section 6-4043 of the Atlanta City Code, as amended:

(4) The Commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation of significant change, alteration or addition to any existing park.

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Applicant is proposing to revise the location of the proposed pavilion. In looking at the previously reviewed master plan, the pavilion was located between the existing community garden and the asphalt parking lot. The new proposed location is between the community garden and the playground. Staff finds the new proposed location is highly appropriate as there will be a view and access to the garden and the playground. Staff has no concerns regarding the revised location of the pavilion. Staff finds the overall design of the pavilion is typical of similar structures in other parks. Staff has no general concerns regarding the pavilion. Staff finds the material details are not indicated. Staff suggests the Applicant clarify the material details for the proposed pavilions.

The Applicant is proposing to construct a new path that will start at Peachtree Dunwoody Road. The proposed path will pass the existing community garden, the proposed pavilion and then connect to existing paths in the park. In the master plan, there was a path that connected the parking lot directly to the community garden and the pavilion. While there is an existing path from the parking lot that will connect with the new path, the direct connection from the parking lot to the community garden and the proposed pavilion has been removed. While Staff has no general concerns regarding the location of the new path, Staff suggests the Applicant clarify why the connection from the parking lot to the garden and the pavilion was removed. Staff also suggests the Applicant provide material details for the new path

The Applicant is proposing to install granite stairs and seat walls. Given the exiting topography of the area, Staff finds the proposed stairs and seat walls are appropriate. Overall, Staff finds the proposed revisions and site work are appropriate and compatible with the previously reviewed master plan.

Staff recommends the Commission deliver its comments at the meeting.



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STAFF REPORT

June 25, 2014

Agenda Item: Application for a Review and Comment (RC-14-174) for site work at **55 Westminster Drive (Winn Park)** - Property is zoned R-4.

Applicant: Ward Seymour
27 Eighth Street NE

Facts: Winn Park is bordered by Westminster Drive, Peachtree Circle, Barksdale Drive, Lafayette Drive and The Prado in the Ansley Park Neighborhood.

Analysis: The following code sections apply to this application:
Per section 6-4043 of the Atlanta City Code, as amended:

(4) The Commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation of significant change, alteration or addition to any existing park.

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial

evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

In looking at an overall site plan for the existing park, the following projects are indicated:

- installation of woodchip pathways
- stone repair
- improvement of the connections to the park
- correction of erosion issues through planting
- improvement of existing pathways
- improvement of existing crosswalks
- creation of a gathering area (overlook)
- installation of walkway to the playground
- installation of a new ball field and play area

While Staff has no general concerns regarding improvements to the existing park, many of the details are not clear. It would be helpful to have all of the existing and proposed conditions clearly delineated. While it appears the ball field is a proposed condition, it is not clear whether the play area is existing or proposed. Staff suggests the Applicant provide additional details regarding the ball field and the play area.

Staff has no concerns regarding stone repair. Staff suggests the Applicant provide details regarding the scope of the stone repairs. Staff has no concerns regarding the wood chip path ways, although wood chips are not always the best option for pathways. Staff has no concerns regarding the installation of plants to help correct erosion issues. Staff suggests the Applicant provide details regarding the plantings proposed. Staff has no concerns regarding the proposals to improve connections to the park or the crosswalks. Staff suggests the Applicant provide details regarding how the connections and the crosswalks will be improved.

The Applicant is proposing to create an overlook by installing granite stairs and seat walls with a bluestone and flagstone terrace. The notes indicate the overlook will help to correct erosion issues at the existing benches. In general, Staff finds the proposed overlook, is appropriate, will help correct the erosion issue and will be a great amenity to the park and the neighborhood. Given the topography of the area, the proposed stairs and seat walls will fit well with the existing landscape. Staff finds the materials are durable, appropriate and compatible with the existing stonework in the park. Staff does not have concerns regarding the proposed overlook.

Staff recommends the Commission deliver its comments at the meeting.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 28, 2014

UPDATED

June 25, 2014

(Updated text shown in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-14-167) for a variance to allow an increase in roof coverage from 25% (required) to 34% (proposed) and (CA3-14-144) for alterations and additions at **342 - 360 Nelson St.** Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Bruce Gallman
342 Nelson St.

Facts: The existing two story building (as it faces Nelson Street) has a footprint that takes up the entire lot. According to the Castleberry Hill inventory sheets, this commercial building (known as the Fulton Supply Building) was built around 1923 and is considered contributing. Immediately to the south of the Fulton Supply Company Building, at 360 Nelson Street, is the shell of another building in which only the four walls and basement floor still exist.

The window and door openings on the Nelson Street side of the building were considerably altered in the 1950s, with many windows being removed, the masonry openings blocked in and loading docks added. The Applicant supplied an undated historic photograph with their submission which would appear to show the original configuration of the Nelson Street façade.

The applicant proposes to convert the Fulton Supply Building into 73 lofts (including one live/work loft), while the building shell to the south will have parking on the basement floor; a small, raised green space located along the Nelson Street frontage; and it will provide access to the parking in the basement level of the Fulton Supply Company Building.

More specifically, the Applicant proposes to:

1. On the Nelson Street façade of the Fulton Supply Building, remove all of the 1950s alterations, including the loading docks, horizontal metal windows, brick infill, and glass block infill. Retain the cast stone surrounds around the entrances.
2. On the Nelson Street façade of the Fulton Supply Building, re-create almost all of the “original” appearance with new storefront window systems, and double-hung windows with transoms in the upper level.

3. On the south (side) façade of the Fulton Supply Building, add 18 new windows on three different levels.
4. On the rear façade of the Fulton Supply Building, removal all infill materials, glass block, and steel windows.
5. On the rear façade of the Fulton Supply Building and 360 Nelson Street, add single hung windows with transoms, add two vehicle access points at the basement level, maintain clear openings at basement / garage level with metal railings, and add an opening for access to garage in 360 Nelson Street.
6. On the front portion of 360 Nelson Street, add a raised garden area and install a six (6) ft. wrought iron fence.
7. On the roof top of the Fulton supply Company Building, add a large skylight and rooftop additions for the loft units.
8. Add a fence along the entrance to the rear alley / driveway easement.
9. Stabilize the facades of the 360 Nelson Street Building.

At the May 28, 2014 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the Staff concerns and comments and submit a variance application. The Applicant submitted revised materials on June 19th and a variance request on June 3rd (CA3-14-167) which are addressed in this updated Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20N.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the proposed Castleberry Landmark District.

Section 16-20N.005. Certificates of Appropriateness.

4. Type III certificates of appropriateness shall be required for:

- (b) All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.

Section 16-20N.006. General Regulations.

The following general regulations shall apply to all properties located within the District.

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (a) The historic character of a property shall be retained and preserved.
 - (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

- (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
 - (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.
2. Compatibility rule.
- (a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."
 - (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
6. Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission. The commission shall find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the district as a whole, may be reasonably situated and constructed upon such lots.
8. Off-street and off-site parking.
- (a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.
 - (b) The number of required off-street parking spaces is set out in each subarea.
 - (c) Off-street or off-site parking located adjacent to public streets or sidewalks shall include landscape buffer strips along the public street or sidewalk. Landscape buffer strips shall be: a minimum of three (3) feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of twelve (12) feet in height at time of planting placed no further than twenty-five (25) feet on center. All landscape buffer strips shall be maintained in a sightly manner.
 - (d) Use of shared driveways and/or alleys is encouraged. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the commission.
 - (e) Curb cuts and driveways are not permitted on any arterial street when reasonable access may be provided from a side or rear street or from an alley.
 - (f) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - (j) Sidewalk paving materials shall be continued across intervening driveways.
 - (k) Entrances to garages that serve residential units shall be located in a side or rear yard.
 - (l) All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards, to serve garages and parking areas.
9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
- (c) All street-fronting sidewalk level development shall provide fenestration for a minimum of 60 percent of the length of the frontage, beginning at a point not more than three (3) feet above the public sidewalk, for a height no less than nine (9) feet above the sidewalk.
 - (d) Sidewalk level development without fenestration shall not exceed a maximum length of ten (10) feet of façade.
 - (f) Relationship of building to street.
 - i. The first eight (8) feet of all building levels that have sidewalk level arterial street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.
 - ii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
 - a. Be visible from the street.
 - b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - c. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - iii. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.
 - (g) Façade Materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any facade.

11. Structures on the roofs of principal buildings.

- (a) All components of a structure or addition on the roof of a principal building visible from a public street shall be metal or masonry.
- (b) The enclosed floor area of a structure shall not exceed 25% of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.
- (c) Enclosed structures shall not exceed 10 (ten) feet in height above the parapet wall and shall be setback no less than 10 (ten) feet from all street-fronting facades.
- (d) All components of a structure or addition on a roof of a principal building shall be set behind the parapet wall.

13. Fences, walls, and retaining walls.

- (a) Fences shall be no more than ten feet high.
- (b) Fences between the principal building and the public street shall be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.
- (c) Fences to the rear or side of the principal building shall be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.
- (d) Walls shall not be permitted between the principal building and the public street. Walls shall be no more than ten feet high. Walls, including retaining walls, shall be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
- (e) Retaining walls adjacent to a public street or sidewalk shall not exceed four feet in height, unless required by existing site topography.
- (f) Adjacent to a public street or sidewalk, the total height of any combination of fencing, wall and/or retaining wall shall not exceed ten feet.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:

- (a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.
- (b) The height of a principal structure shall be 40 feet. Properties with first floor retail space exceeding 12 feet in height shall have a ten percent height bonus, allowing for a maximum height not to exceed 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, which shall have a ten-foot height bonus, allowing for a maximum height not to exceed 50 feet.
- (c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
- (d) Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - a. The style and material of the individual window or door.
 - b. The size and shape of individual window and door openings.
 - c. The overall pattern of fenestration as it relates to the building façade.
 - d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

(e) Facades.

- i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.
- ii. Covering of the original façade shall not be permitted.
- iii. Painting of unpainted stone, terra cotta, and brick is prohibited.
- iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
- v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.

2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:

- (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.

3. Off-Street Parking Requirements

The following parking requirements shall apply to all uses:

- (a) Off-street parking shall not be permitted between the principal building and the public street.
- (b) Off-street parking may be located in a rear or side yard.
- (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.

Per Section 16-26.003:

- (1) *Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:*
 - (a) *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;*
 - (b) *The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;*
 - (c) *Such conditions are peculiar to the particular piece of property involved; and*
 - (d) *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.*

Variance Analysis:

The Applicant provided a variance analysis that was previously sent to Commission members. The Applicant noted that the existing building is “considerably lower than the maximum height which would be allowed for a new structure in subarea 1.” They also note that to decrease the roof top addition’s size would mean the elimination of a non-revenue generating “planned community space”. The Applicant further notes that the proposed roof top addition would be lower and farther back from the edge of the building then what is required by the District regulations.

The Staff concurs with the Applicant’s assessment of the addition’s height and location in relation to the corresponding District regulations and finds that these characteristics mitigate the increase in square footage and thus help to meet the intent of the roof top addition regulations.

The Staff would also concur that the height of a new building (44 ft.) would be about one floor taller than the height of the existing building (about 32 ft.).

However, the Staff does not find that the Applicant has demonstrated that a hardship would exist if the variance were not granted for several reasons. First, the Applicant could achieve a potentially more usable roof top level by increasing the height of the roof top to the maximum allowed by the District regulations. This could offset the reduction in the foot print of the roof top addition by making the roof top space more functional. Second, the ability to provide a community gathering space, while laudable by the Applicant is not required by the District regulations. Therefore, requesting a variance to meet a non-requirement of the District can be seen as sacrificing a required characteristic for a desired characteristic.

The Staff would recommend deferral of the variance request.

Off-Street Parking and Parking Requirements

The Applicant proposes 74 loft units and has based their parking count on one (1) parking space per loft unit. The parking will be provided in the basement of the Fulton Supply Company Building the basement floor of 390 Nelson Street building, which is on a separate parcel. The Staff counted 66 parking spaces on the site plan / basement floor plan, 12 of which are located at 360 Nelson Street. This is less than one (1) per unit. The District regulations base the number of parking spaces on the floor area ratio of the project, not the number of living units. The floor area ratio must be calculated and then using the Residential General Land Use Intensity Table, the corresponding number of parking

spaces must be provided. Further, the District regulations require that these spaces be all provided on-site. Given that 360 Nelson Street is a separate parcel (and no floor area is proposed on that parcel), parking spaces at 360 Nelson Street would be considered off-site. If the required number of parking spaces can't be provided within the Fulton Supply Company Building, a variance / special exception from the Commission will be required.

The Staff would recommend the Applicant calculate the floor area ratio of the project, the corresponding number of required on-site parking spaces, the number of parking spaces actually provided on-site, and determine if a variance / special exception is necessary.

The Applicant has calculated the floor area ratio (1.84), the number of on-site parking spaces required (50) and the number of on-site parking spaces provided (55). The Applicant has shown that they met the District regulations for on-site parking.

Lastly, parking lots (or parking decks) are not an allowed principal use in Subarea 1 of the District. As 360 is a separate lot, the parking on the lot is the only use on the lot which makes it that property's principal use. As such, the Staff finds that the parking at 360 Nelson Street must meet the criteria used in the City's Zoning Ordinance for being considered accessory parking to the use at the Fulton Supply Building. The Staff would recommend the Applicant provide documentation that the parking at 360 Nelson Street is considered an accessory use to the residential use at the Fulton Supply Building;

No additional information was provided about this issue. The Staff would retain its previous recommendation.

Vehicle Access

The District regulations require vehicle access to required parking be provided by an independent driveway connected to a public street. While it would appear that there is direct access out of the parking in 360 Nelson Street to Magnum Street through a wedge shaped piece of property, it is not clear how ingress into the parking areas will be created. Further, site plan notes this wedge shaped piece of property as a separate parcel and refers to a "driveway easement", though its location and size are unclear. Further, a separate parcel and a driveway easement do not necessarily qualify as an independent driveway situation.

The Staff would recommend the Applicant clarify and clearly show on the site plan the vehicle access to the project, document the existence of an on-site, independent driveway connected to a public street and provide further information about the driveway easement.

The revised materials appear to show a two way drive into the surface parking lot at 360 Nelson Street. However, no additional information was provided about the proposed independent driveway and/or the driveway easement.

In discussions with the Applicant, they noted that all of the property would be consolidated under one ownership when the project is actually developed. This aggregation of the property (which would also be subject to review by the Commission) would eliminate the issue of the stand-alone parking lot / structure as all of the parking would be on the lot with the principal use (the multifamily lofts) and thus all of the parking would become accessory to the principal use. However, no written information was provided about that approach.

The Staff would retain its previous recommendation.

Specific Design Components

On the Nelson Street façade of the Fulton Supply Building, remove all of the 1950s alterations, including the loading docks, horizontal metal windows, brick infill, and glass block infill. Retain the cast stone surrounds around the entrances.

The Staff has no concerns about the removal of the 1950s alterations.

On the Nelson Street façade of the Fulton Supply Building, re-create almost all of the “original” appearance with new storefront window systems, and double-hung windows with transoms in the upper level.

While the Staff does not have concerns about the partial re-creation of the “original” façade appearance, it appears that in the “historic” photograph the storefront windows have two plate glass windows with three transom windows above each within in masonry opening. The proposed design is three plate glass windows with two transom windows above each.

The Staff would recommend the storefront window light pattern match that of the historic photograph provided in the submission and meet the District regulations regarding materials and details.

The revised submission shows the storefront window pattern matching that of the historic photograph.

In addition, the Staff is concerned about the inclusion of iron gates at each pedestrian entrance. The Staff does not find that this is compatible with the building or meets the District regulations. The Staff would recommend the metal gates are removed from around the Nelson Street entrances.

The gates in front of the Nelson Street entrances have been removed and replaced with storefront glass systems that are similar to the new storefronts being put on the rest of the Nelson Street façade. The historic photograph shows the presence of display windows and transom. The only “added” feature would be glass doors at street level aligned with the façade of the building. This would create a small vestibule between the new street level doors and original entrance up a small flight of stairs. The Staff has no concerns about the revised design of the Nelson Street entrances.

Further, the Staff would recommend that a street address / building number that meets the District regulations be added to the Nelson Street façade.

The address number has been added above the entrance of the building.

On the south (side) façade of the Fulton Supply Building, add 18 new windows on three different levels.

The Staff is very concerned about the creation of the 18 new window openings on the south façade of the Fulton Supply Building. While it understands the need for the natural light into the loft units that abut that wall, the number, size, and design of the windows will be a significant and potentially incompatible change to a façade of the building that was never meant to have such openings. The Staff would recommend the number, size, and design of the windows opening on the south façade of the Fulton Supply Building be revised to be more compatible with the building and their location on a previously unexposed wall.

The revised submission notes and accompanying photographs show that the proposed windows on the south façade of the Fulton Supply Buildings are located in blocked-up window openings. These windows openings will be re-opened and simple, compatible windows will be installed in those openings. Based on the additional information provided in the revised submission, the Staff has no concerns related to the proposed windows on the south façade of the Fulton Supply Building.

On the rear façade of the Fulton Supply Building, removal all infill materials, glass block, and steel windows.

The Staff is concerned about the removal of the steel windows on the rear façade, as they appear original to the structure. The Applicant has provided no documentation that they are a later alteration. The Staff would recommend the Applicant document the time period of the steel windows on the rear façade of the Fulton Supply Company Building and the rationale for their replacement.

While the Applicant has revised the design of the proposed replacement windows for the steel windows on the north end of the Fulton Supply Building, it is still not clear to the Staff why the existing steel windows cannot be retained, repaired in-kind, and reused. The Staff would retain the last portion of its previous recommendation.

On the rear façade of the Fulton Supply Building and 360 Nelson Street, add single hung windows with transoms, add two vehicle access points at the basement level, maintain clear openings at basement / garage level with metal railings, and add an opening for access to garage in 360 Nelson Street.

Apart from the concern noted above regarding the removal of the steel windows, the Staff generally agrees with the rest of the alterations to the rear façade. The Staff only concern is regarding the technique and approach that will be used to create the vehicle access openings in the stone, rubble basement wall. In particular, the Staff is concerned about the stability of the 360 Nelson Street façade. The Staff would recommend the Applicant provide a detailed work program and construction narrative regarding the creation of the vehicle access openings in the basement of the Fulton Supply Company building and the 360 Nelson Street Building.

Based on the additional photographs provided in the revised submission of the rear façade, it appears that the southern portion of the building has a mix of double hung windows (some covered with mess or plates of some type) and more steel windows. While some windows in some window openings may have been altered beyond repair, the condition of some of the windows is unclear. Further, the proposed replacement window design doesn't appear to match the existing window. For example, the most southern set of grouped windows appear to be three double hung windows vs. the two double hung windows shown in the proposed elevation.

The Staff would recommend the Application provide more documentation regarding all of the existing windows on the rear façade of the Fulton Supply Building, including their design and condition, and the rationale for their replacement. The Staff would further recommend that if the additional documentation supports replacement of a window on the rear façade of the Fulton Supply Building, the replacement window shall match the original window and meet the District regulations.

The revised submission notes that the new openings in the stone, rubble basement wall will be "framed with steel channels for support." The Staff presumes that further detail will be forthcoming in the final construction documents and as such would retain its previous recommendation.

On the front portion of 360 Nelson Street, add a raised garden area and install a six (6) ft. wrought iron fence.

Apart from a basic graphic on the front elevation page and a general description in the narrative, there is no design information included about this feature. Further, the Staff is concerned that the ornamental fence and undefined landscape plantings will be incompatible with the commercial and industrial character of the District. Given the otherwise continues "street wall" created by the building facades along Nelson Street, the Staff would consider a more solid, opaque screen be considered for

this component of the project. The Staff would recommend that the front portion of 360 Nelson Street be redesigned to be more compatible with the industrial and commercial character of the District.

The Applicant has retained their proposal for the front portion of 360 Nelson Street and provided examples of similar metal fences in the District. Several, if not most of these examples are fencing that is a part of a new development or that pre-dates the District's creation. At the same time, fences of this type are permitted by the District regulations. The Staff would note that having an undeveloped parcel is not the ultimate solution to the property. The Staff still does not find that the un-defined landscape plantings on the concrete platform are compatible with the commercial and industrial character of the District. The Staff would recommend the landscaping and platform components of the front portion of 360 Nelson Street be redesigned to be more compatible with the industrial and commercial character of the District.

On the roof top of the Fulton supply Company Building, add a large skylight and rooftop additions for the loft units.

The District regulations only allow 25% of a roof area to be enclosed within a structure. The roof plane notes that the enclosed area and the skylights constitute about 43% of the roof area. While the Staff does not consider the skylights to be enclosed within a structure, there is not calculation provided related to the enclosed structure portion of the roof changes. The Staff would note that the roof structure is behind the parapet wall, is more than 10 ft. back from the street facing façade and appears to be less than 10 ft. above the parapet wall. There are no materials listed for the roof top structure. The Staff would recommend the Applicant clarify the details of the roof top structure.

The revised submission notes that the roof top additions will be sheathed in "fiber cement panels". The District regulations require that all portions of roof top structures or additions visible from a public street be metal or stucco. The Staff would recommend that the Applicant document that the portions of the roof top structure visible from a public street be metal or stucco.

Add a fence along the entrance to the rear alley / driveway easement.

No detailed information was provided about the fence along Magnum Street. The Staff would recommend the Applicant provide more information about the fence along Magnum Street.

It is not clear from the submitted materials if the fence along Magnum Street is still proposed. The Staff would retain its previous recommendation.

Stabilize the facades of the 360 Nelson Street Building.

No detailed information was provided about the approach to "stabilize" the facades of the 360 Nelson Street Building. The Staff would recommend the Applicant provide a detailed work program and construction narrative regarding the stabilization of the 360 Nelson Street Building facades.

No additional information was provided about this issue. The Staff would retain its previous recommendation.

(CA3-14-167):

Staff Recommendation:

(a) The Applicant has not shown that the variance criteria have been meet, per Section 16-26.003(1);

Staff recommends deferral of the application for Type III Certificates of Appropriateness (CA3-14-167) for a variance to allow an increase in roof coverage from 25% (required) to 34% (proposed) at 342 - 360 Nelson St. Property is zoned Castleberry Hill Landmark District (Subarea 1) to allow time for the Applicant to address the following comments and concerns:

- 1. The Applicant has not shown that there are conditions extraordinary or exceptional to the lot, an unnecessary hardship would be created to make an addition that meets the height requirements, there are peculiar conditions related to this property or that there would not be substantial detriment to the public good, per Section 16-26.003(1); and*
- 2. All new documentation, analysis, or other supporting materials shall be submitted (along with the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.*

(CA3-14-144):

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20N.006; except as noted above.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-144) for alterations and additions at **342 - 360 Nelson St.** Property is zoned Castleberry Hill Landmark District (Subarea 1), to allow time for the Applicant to address the following issues and concerns:

1. The Applicant shall provide documentation that the parking at 360 Nelson Street is considered an accessory use to the residential use at the Fulton Supply Building;
2. The Applicant shall clarify and clearly show on the site plan the vehicle access to the project, document the existence of an on-site, independent driveway connected to a public street and shall provide further information about the driveway easement, per Section 16-20N.006(8);
3. *The Applicant shall document the rationale for the replacement of the steel windows on the rear façade of the Fulton Supply Building, per Section 16-20N.006(1) and 16-20N.007(1)(d);*
4. *The Application shall provide more documentation regarding all of the existing windows on the rear façade of the Fulton Supply Building, including their design and condition, and the rationale for their replacement, per Section 16-20N.006(1) and 16-20N.007(1)(d);*
5. *If the additional documentation required in Condition #4 above supports replacement of a window on the rear façade of the Fulton Supply Building, the replacement window shall match the original window and meet the District regulations, per Section 16-20N.006(1) and 16-20N.007(1)(d);*
6. The Applicant shall provide a detailed work program and construction narrative regarding the creation of the vehicle access openings in the basement of the Fulton Supply Company building and the 360 Nelson Street Building, per Section 16-20N.006(1);
7. The *landscaping and platform components of the front portion of 360 Nelson Street shall be redesigned to be more compatible with the industrial and commercial character of the District, per Section 16-20N.006(1);*
8. *The Applicant shall document that the portions of the roof top structure visible from a public street be metal or stucco, per Section 16-20N.006(11);*
9. The Applicant shall provide more information about the fence along Magnum Street, per Section 16-20N.006(13);
10. The Applicant shall provide a detailed work program and construction narrative regarding the stabilization of the 360 Nelson Street Building facades, per Section 16-20N.006(1);
11. The Applicant shall submit all of the updated or revised information, plans, and supporting materials (including the required number of copies) no later than eight (8) days before the Commission meeting to which this application is deferred.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 11, 2014

Updated

June 25, 2014

(updated information in italics)

Agenda Item: Applications for Type III Certificates of Appropriateness (*CA3-14-176*) for a *variance to allow a solar panel on the front façade and a lack of an independent driveway connected to a public street*, and (CA3-14-159) for a new single-family house at **706 Gaskill Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Nathan Bolster
193 Tye Street

Facts: This property is not listed in the Cabbagetown District Inventory. This is a vacant lot. On September 24, 2008, the Commission reviewed and approved an Application for a Type III Certificate of Appropriateness (LD-08-243) to allow for the subdivision of two lots into three lots located at 708 and 712 Gaskill Street, with the following conditions:

- 1) The Applicant shall provide the front and rear yard setbacks of all of the cottages on the block face, per Section 16-20A.006(10);
- 2) The front and rear yard setbacks shall meet the regulations, per Section 16-20A.006(10);
- 3) The right side yard setback shall be no less than 3', per Section 16-20A.006(13)(a)(3)(f); unless the Bureau of Buildings approve plans that include windows at the right side elevations with a zero lot line and
- 4) Staff shall review and if appropriate approve the final site plan, including the footprint of the proposed dwelling.

At the June 11, 2014 meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and apply for additional variances.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation

ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Sec. 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

(1) *When required:*

(b) To erect a new structure or to make an addition to any structure within the district;

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) *Minimum standards.* These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) *The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.*
- (3) *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
- (4) *Additional notification.* The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.
- (5) *Cabbagetown design guidelines.* The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
- (6) *The compatibility rule.*
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.
 - a) *General criteria:*
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.

3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
- b) *Facades:*
1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
- c) *Roofs:*
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- e) *Porches:*
- Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
1. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 2. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 3. Front porch steps shall be made of wood, brick, or concrete.
- Metal steps are not permitted.
- f) *Site development, sidewalks and curbs:*
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.

4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(19) *Off-street and off-site parking.*

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking may be located in a rear or side yard.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) *Maximum building height and width.* The compatibility rule shall apply.
- (8) *Floor area ratio.* The floor area ratio shall not exceed 0.50.
- (9) *Roofs.*
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) *Porches.*
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right of way.
 - b) Variances for the height of walls or fences may be granted by the commission.
 - c) Walls shall be constructed of wood.
- (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten (10) feet in width and shall have a curb cut no more than ten (10) feet, exclusive of flair.
 - a) At least one-third of any driveway or surface parking area shall be pervious.
 - b) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.

- c) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Variance Request

The following variances were requested by the Applicant:

Solar Panels

We received an e-mail from the Applicant requesting that the variance to allow a solar panel on the front façade be withdrawn. As such, Staff has no further comments regarding the proposed variance.

Use of a previously existing house as a point of comparison

In the original submittal, the Applicant submitted information for 726 Gaskill Street. Staff noted that 726 Gaskill Street was demolished and therefore cannot be used as a point of comparison. Staff finds that using a previously existing house as a point of comparison for the compatibility rule is not appropriate and not necessary. There are already two existing historic shotgun houses on the block face and a third point of comparison is not needed. There are cases where an Applicant requests to re-build a previously existing house on the same lot. In that case the Staff has supported variances to allow the house to be re-built. This is not one of those cases.

Independent Driveways

Per regulations, each new house is required to have an independent driveway. The Applicant is proposing a shared driveway. According to the Applicant, a shared driveway is required due to a narrow lot and a sewer easement. The existing lot is 44' wide and is not considered narrow in comparison to typical lots in the district. According to the Applicant, the sewer easement takes 10' of the lot which limits the buildable area to 34'. As the proposed house is 20' wide, Staff finds there is enough room to build the proposed house, provide an independent driveway and meet the setback requirements. The proposed west side yard setback is 9'. There is an opportunity to have an independent driveway on the west side of the house. Staff finds the Applicant has not proven a hardship. Staff further finds that there is a solution to install a driveway that does not impact the setbacks or the size of the proposed house. Given the information we have at this time, Staff cannot support the variance request.

Setbacks and Site Plan

For purposes of the compatibility rule, contributing buildings of the same type and style on the same block face are used in determining the architectural style, architectural elements, building proportions, and building setbacks. This particular block face contains 7 contributing houses, four of which are shotguns or paired shotguns.

The front, side and rear yard setbacks are based on the compatibility rule. As the proposed front and rear yard setbacks are within the same range as the adjacent paired shotgun houses, Staff finds the front and rear yard setback requirements have been met. As a condition of the subdivision approval, the minimum east side yard setback was set at 3'. Staff finds the east side yard setback requirement has been met. The west side yard setbacks of the contributing adjacent houses range from 3.7' to 10.4'. The proposed west side yard setback is 9' and therefore meets the requirements.

The maximum floor area ratio (FAR) allowed is .50. The FAR calculations are not indicated. Staff recommends the Applicant provide documentation the project meets the FAR requirement. Staff would note that lot coverage is not restricted in this subarea.

Per Staff recommendation, the Applicant submitted FAR calculations. The plans indicate and FAR of .42 for the first and second floor. The Applicant did not provide FAR calculations for the basement area. Given the definition of a basement, Staff has concerns that the habitable area in the basement area may count against the FAR requirements. Staff recommends the Applicant provide documentation the proposed house, including the basement area, meets the FAR requirements.

Per regulations, off-street parking is required. The site plan indicates a shared driveway. The regulations require an independent driveway for each property. Staff would note the previously approved subdivision indicated an independent driveway for the subject property and the two adjacent properties. Staff recommends the project indicate an independent driveway or the Applicant shall apply for a variance.

As indicated in the variance section, Staff does not support the variance request to allow shared driveway. Staff recommends the site plan indicate an independent driveway.

It is likely that the sidewalk will be destroyed in the process of building the home. Staff recommends that the sidewalk be replaced per regulations such that the sidewalk shall be the same width as the sidewalk on the abutting properties. In addition, the sidewalk should be brick on a concrete base and laid in a pattern to match existing on abutting properties. As required by the regulations, a walkway front the porch to sidewalk is indicated. Staff recommends the site plan indicate an appropriate material for the proposed walkway.

Per Staff recommendation, the site plan indicates the existing sidewalks will either be retained or replaced as required by the regulations. Per Staff recommendation, the site plan indicates the material specifications for the proposed walkway.

The site plan does not indicate any grading or change in the lot topography. In looking at the elevations, there is a clear change in the topography from the front to the rear of the lot. Staff recommends that the grading not excessively or unnecessarily alter the natural topography of the site and any new grades meet existing topography in a smooth transition.

Per Staff recommendation, the site plan indicates grading will not excessively alter the topography.

Massing and Building Height

Per regulations, the architectural style of the new dwelling must be represented historically on the block face. The historic architectural forms/styles seen on the block face are shotguns, paired shotguns, hall-parlors and Georgian cottages. The overall design and details of the proposed single-family dwelling are similar to the shotgun houses at 722 and 730 Gaskill Street. Per regulations, the roof form, roof pitch, height, width and first floor height are based on the compatibility rule. The Applicant submitted information for 722 and 726 Gaskill Street. Staff would note that 726 Gaskill Street was demolished several years ago and therefore cannot be used as a point of comparison. As the Applicant has only submitted one valid point of comparison, Staff cannot determine whether the requirements have been met. Staff recommends the Applicant provide the roof form, roof pitch, height, width and first floor heights for all the existing contributing shotgun houses on the block face.

Per Staff recommendations, the Applicant provided the roof form, roof pitch, height, width and first floor heights of the existing contributing shotgun houses on the block face. Both existing shotgun houses have a gable roof. Staff finds the proposed roof form meets the requirements. The roof pitches of the existing houses are 9 in 12 and 10 in 12. The proposed roof pitch is 10 in 12 and therefore meets the requirements. The heights of the existing houses range from 22' 8 ½" to 24'6".

The proposed house is 24'6" and therefore meets the requirements. Both houses on the block face have a width of 20'. The site plan indicates the house is 21' in width and therefore does not meet the requirements. The chart indicates the house will be 20' in width. Staff recommends the proposed house has a width of 20'. The first floor heights on the block face range from 16" to 3'5". The proposed first floor height is 3'5" and therefore meets the requirements.

Building Facades

In Landmark Districts, the Commission reviews all facades.

Windows and Doors

The front and rear door are wood panel with glass in its upper portion. Staff has no concerns regarding the front and rear door. The proposed windows are 2 over 2, wood, true divided lite, vertical in proportion and feature appropriate sills, headers and trim. Staff finds the locations, materials and design of the proposed windows are appropriate.

There are two flat panel skylights on the side of the house. As these are flat panel skylights are halfway towards the rear of the house, Staff finds it will be hard to see them from the street. Staff does not have concerns regarding the location or design of the proposed skylights.

The Applicant is proposing a solar canopy at the front of the house. As solar panels are not allowed at the front of the house, a variance is required. The Applicant submitted justification for the variance, however it was not advertised. As such, analysis and discussion regarding the front façade solar panel will occur at the next Commission meeting.

As mentioned in the variance portion, the Applicant withdrew the variance request for a solar panel. Staff recommends the elevations indicate the elimination of the proposed solar panel.

Building Materials

The following materials are proposed: smooth cementitious siding with a 5" reveal, wood trim, wood corner boards, wood railings, wood posts, wood, brick or concrete stairs, smooth concrete foundation walls and asphalt shingles. In general, Staff finds the proposed materials are appropriate. In looking at survey pictures, Staff could not find an example of a porch with a metal roof on the block face. Staff recommends the Applicant provide documentation the proposed metal porch roof meets the requirements. Staff has concerns regarding the smooth concrete foundation wall. It is not clear whether the foundation wall will be painted or faced with another material. Staff recommends the Applicant provide documentation the foundation wall material is consistent with the foundations of shotgun houses on the block face.

Staff finds that a metal roof for a porch is not typical. The Applicant provided three examples of metal porch roofs on other streets. Staff would note that one example is corrugated metal and not allowed by the regulations. Based on the information we have at this time, Staff finds that a metal porch roof does not meet the requirements. Staff recommends the plans indicate an appropriate porch roof material. The Applicant provided information regarding the foundation materials on the block face. The Applicant is proposing painted smooth concrete. In looking at the regulations, smooth finish concrete is allowed.

Porch

The proposed full width porch is 5' in depth. Staff finds the overall size, location, material, design and architectural details are consistent and compatible with the porches at 722 and 730 Gaskill. Staff does have concerns regarding the depth of the porch. Staff recommends the Applicant provide

documentation the depth of the porch is compatible with the other shotgun houses on the block face. Staff has concerns regarding the porch roof pitch. Staff recommends the Applicant provide documentation the proposed porch roof pitch is compatible with the porch roof pitches of the other shotgun houses on the block face.

The Applicant provided information that indicates the depth of the porches on the block face is 6'. Staff recommends the proposed porch depth is 6'. The Applicant provided information that the porches on the block face have hipped roofs. Per regulations, the elements on the front porch shall be based on the compatibility rule. As such, Staff finds the porch roof form and pitch should be based on the porches on the block face. Staff recommends the elevations indicate a porch roof form and pitch that meet the regulations.

Staff Recommendation: Based upon the following:

- (a) The plans do not meet the regulations per Section 16-20A.006 and 16-20A.009, with the exception of the notes above;

Staff recommends denial of an Application for a Type III Certificates of Appropriateness (CA3-14-176) for a variance to allow a solar panel on the front façade and a lack of an independent driveway connected to a public street at 706 Gaskill Street - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 and 16-20A.009, with the exception of the notes above;

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-14-159) for a new single-family house at **706 Gaskill Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the proposed house, including the basement area, meets the FAR requirements, per Section 16-20-20A.009(8);
2. The site plan shall indicate an independent driveway, per Section 16-20A.006(19)(l);
3. The proposed house shall have a width of 20', per Section 16-20A.006(13)(a)(3);
4. The elevations shall indicate the elimination of the proposed solar panel, per Section 16-20A.006(13)(c)(2);
5. The plans indicate an appropriate porch roof material, per Section 16-20A.006(13)(a)(3) and (13)(e)(1);
6. The proposed porch depth shall be 6', per Section 16-20A.006(13)(a)(3) and (13)(e)(1);
7. The elevations shall indicate a porch roof form and pitch that meet the regulations, per Section 16-20A.006(13)(a)(3) and (13)(e)(1); and
8. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 22, 2014

REVISED

April 23, 2014

(Revised text shown in italic.)

June 11, 2014

(Revised text shown in Arial.)

Revised June 25, 2014

(Revised text shown in bold Aril italics.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce the rear yard setback from 10' (required) to 7' (proposed) and (CA3-13-349) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, somewhat rectangular lot that is located on the west side of Airline Street, just south of the corner with Auburn Avenue. This is one of the last properties in the east side of the District. Along the northern side of Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. Immediately to the north along the south side of Auburn Avenue is a modern / contemporary house recently finished and next to that is the only contributing house on the Auburn Avenue south block face.

At the January 22, 2014 public hearing, the Commission deferred this application to allow time for the Applicant to address the Staff's concerns and comments. On April 15, 2014 the Applicant submitted a revised proposal, including a request to further reduce the rear yard setback from 10 ft. to 5 ft. 9 in. instead of from 10 ft. to 7 ft. The Staff would note that while it permits Applicants to submit revisions to plans for deferred applications eight (8) days before the Commission meeting to which the Applicant was deferred, new variance requests must be properly advertized, which includes completing revised public notice work at least 15 days before the Commission meeting at which the revised variance request will be heard.

The revised submission is the subject of this revised Staff Report.

On June 4, 2014, the Applicant submitted revised plans, elevations, and supporting material for their application. The Staff would add that as of the date of the Commission meeting, the proposed comprehensive revisions to the District regulations contained in Z-14-09 will have been enacted by the City and thus would apply to this project. This would include revisions to the requirements for Subarea 2, where the subject property is located. Given this change in the District regulations, it is possible that the currently proposed variances might not be needed or additional, different may be needed. Further, additional design requirements could affect the basic composition of the design.

On June 11, 2014, the Commission deferred the Application to allow time for the Applicant to address the concerns and comments noted in the Staff Report. On June 18, 2014 the Applicant provided a revised set of plans which are address by the revised Staff Report.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
 - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and

simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:

- i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16-25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Single-family dwellings	P	P	P	P

2. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 1 and 2.
 - a. Previously-existing uses. Prohibited uses shall be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the District regulations.
 - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
 - i. Drive-in and drive-through facilities.
 - ii. Parking and driveways.
 - iii. Accessory non-residential storage areas.

Sec. 16-20C.006. Lot Controls and Building Heights.

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
 - a. Sidewalks.
 - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
 - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.

- vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
 - c. Required Open Space.
 - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
2. The following additional Yards provisions shall apply to Subareas 1 and 2.
- b. Subarea 2.
- i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.
 - ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: Seven (7) feet.
 - (3) Rear yard: 25 feet.
 - iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: 12 feet.
 - (3) Rear yard: Six (6) feet.

Sec. 16-20C.008. Design Standards.

- 1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs shall be prohibited.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

- c. Landscaping.
 - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
 - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
 - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
2. The following Design Standards provisions shall apply to Subareas 1 through 2.
- a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.
 - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - b. Front Yard Porches.
 - i. Front yard porches shall be provided.
 - ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.
 - iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
 - v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
 - vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
 - c. Siding and Foundations.
 - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.
 - iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
 - iv. When provided, chimneys shall be faced in brick and shall originate at grade.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

- 1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.
 - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
- ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.

- b. Surface Parking.
 - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
- 3. The following regulations shall apply to driveways and curb cuts within the district.
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce the rear yard setback from 10' (required) to 7' (proposed).

The Staff does not concur with the Applicant's variance argument. While there are certainly lots in the District that are similar in size, if the rear yard setback were kept at the required 10', only a small portion of the house would be effected. Given that there is some room along the south side of the house for some additional square footage, almost the same size house could be built without needing a variance.

The Staff would recommend denial of the rear yard setback request.

As noted above, the Applicant has requested an additional reduction in the rear yard setback from 7 ft. to 5 ft. 9 in. Apart from the fact that the application for such a variance has not been advertized by the Staff for proper review before the Commission, the Staff still does not find that the variance criteria for a reduction in the rear yard setback has been met. While it agrees that the lot is somewhat unusually shaped with an angled rear lot line, the revised submission still shows a house for which a 10 ft. rear yard setback would only affect a small portion of the southwest corner of the house. Further, the additional reduction requested is for an "optional" cantilevered portion of the second floor. Again, notwithstanding the Staff view that the variance criteria have not been met, the Staff also does not find at this time that a cantilevered portion of a second floor meets the District regulations.

The Staff would retain its recommendation of denial for the request to reduce the rear yard setback.

The new District regulations still require a 10 ft. rear yard setback. The Staff would retain its previous recommendation.

The revised site plan shows the rear yard setback requirement of 10 ft. being met. As such, the variance is no longer required. The Staff would recommend denial without prejudice.

Compatibility Rule Comparisons

The block face of Airline Street where the proposed house would be located does not have any existing contributing houses on it. As such, the Applicant is permitted to choose another block face for their point of comparison. The Applicant has chosen the south block face of Auburn Avenue between Airline Street and Randolph Street. The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

The Applicant has proposed the use of another block face (540 – 550 Auburn Avenue) nearby with three relatively small lots that have double frontage, including a roughly triangular shaped lot at Auburn Avenue and Old Wheat Street. This block face is relatively similar to the block face where the subject property is located. Further, the Staff would concur that with one point of comparison on the previously selected alternative block face, the resulting house would have to look essentially the same as the one contributing house, resulting in a somewhat repetitive architectural pattern.

The Staff would support the use of the 540 – 550 Auburn Avenue block face for comparison purposes.

However, the Staff does have a concern about the measurement of the front yard setback as it is not clear to where the front yard setback is measured on the comparison houses. The Staff would recommend the Applicant confirm their technique for measuring the front yard setback.

The revised District regulations allow for the use of an opposing block face when there are no contributing buildings on the subject property's block face and an adjoining block face when there are no contributing buildings on the opposing block face. There are no contributing buildings on the subject property block face and the opposing block face is out of the District. As such, the District regulations would require utilization of the adjoining block face on the same side of the street. As such, the Staff finds that the previously proposed comparison block face (540-550 Auburn Avenue) is still an appropriate point of comparison.

Site

The lot in question fronts about 45' on Airline Street and is about 43' deep on the south property line and 56' deep on the north property line. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has in inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average front yard setback (including the 5% differential) of 5.13 ft. The Staff would recommend the front yard setback reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed.

The Applicant has revised the site plan to reflect the 5.13 ft., but has not confirmed the front yard setback measurement technique for this application. The Staff would retain its previous recommendation.

The revised site plan shows a front yard setback of 6 ft. The Staff would retain its previous recommendation.

The side yard setbacks in the revised regulations are based on the compatibility rule. The Staff would recommend the Applicant document compliance with the side yard setback requirements.

The revised plans did not address documentation of the side yard setbacks. The Staff would retain its previous recommendation.

The proposed driveway / parking pad is located on the south side of the house. It extends about 10' past the front façade of the house. To avoid parking in the front yard, which is not permitted by the District regulations, the Staff recommends the driveway extend at least 20' past the front façade of the house.

The revised site plan does not address the Staff's concern about the driveway. It would retain its previous recommendation.

The revised site plan shows a driveway that projects 20 ft. beyond the front façade of the building, which meets the new District regulations.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extent from the front porch stairs to the public sidewalk.

The revised site plan does not address the Staff's concern about the front walkway. It would retain its previous recommendation.

There is not a walkway shown from the front porch to the public sidewalk. The Staff would retain its previous recommendation.

The revised plans do not show a walkway shown from the front porch to the public sidewalk. The Staff would retain its previous recommendation.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

While floor area ratio is not addressed in the revised District regulations, lot coverage is based on the compatibility rule and in this case would be based on the comparison block of 540-550 Auburn Avenue. The Staff would recommend the Applicant document compliance with the District lot coverage requirements.

The revised plans do not included any information on the lot coverage requirements. The Staff would retain its previous recommendation.

There are no fences or walls proposed for the property.

The new District regulations require the installation of a public sidewalk for the property and specific treatment of curb cuts. The Staff would recommend a compliant public sidewalk and curb cut be installed with the construction of the house.

The revised plans do not include any information about the public sidewalk. The Staff would retain its previous recommendation.

Further, the District regulations now regulate the location and screening of building mechanical equipment. The Staff would recommend that all mechanical equipment be shown on the site plan and meet the District regulations.

The revised plans do not include any information about the mechanical equipment. The Staff would retain its previous recommendation.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is about 5' higher than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

The new block for comparison purposes produces an average building height (including the 10% differential) of 30 ft. 1.5". The revised submission noted a total building height of 29 ft. 7 in., which meets the compatibility rule.

The revised District regulations also determine height using the compatibility rule for properties in this portion of the Subarea. The Staff has no concerns about the proposed height.

The revised plans include a house that is 31 ft. 11.5 in. tall. The compatibility rule allows for the house to be as tall as the tallest house on the comparison block face, which is 35 ft. 6.5 in. The Staff has no concerns about the revised, taller height.

Overall Design and Massing

As noted above, the block selected features one contributing house, which is a one-story, hipped roof bungalow. The proposed two story house has a hipped roof, with two small dormers (one facing the side and one facing the rear), and a full width, two-level front porch. Notwithstanding the non-compliant height noted above, the Staff finds that architecturally the proposed house has the full width front porch and hipped roof form in common with the house at 603 Auburn Avenue.

Given the new block for comparison purposes, the Applicant's narrative notes the "varied architectural styles" on the comparison block.

The Staff finds the revised elevations significantly different from the previous elevations, including a side to side gable, with a rear facing gable, a front facing bayed portion of the house with its own accent gable and a partial-width front porch. The Staff does find that the proposed design uses elements from different homes on the comparison block face. The bay is found on #550, while the partial front porch is found on #546, though #546 has a much larger partial front porch proportional to its gabled ell form. The side to side gable is found on #540 and #546. The Staff is concerned,

though, that the mixing of the overall elements of design and massing results in a house that isn't cohesive in its design and isn't similar enough to one of the of the houses on the block face so as to meet the District regulations. The Staff would recommend the overall design and massing of the house more closely follow one of the houses on the comparison block face.

The overall design and massing of the house in the current submission is essentially the same as previously reviewed, including the bay front, partial front porch, and side to side gable. The only changes the Staff can find with the current submission is the change in the front accent gable vent from a round to a rectangular shape and the change in the roof behind the side to side gable from a gable to a hip.

The Staff would retain its previous recommendation, including but not limited to the compatibility rule determination for front porch size and design.

The revised design included a 9:12 hipped roof, front bay with corresponding accent gable, and full front porch. The Staff finds that the proposed house would be most similar to #550 Auburn Avenue, with a full width front porch was added and if one of the "bays" of the house were removed. Given that a house the size of #550 Auburn Avenue could not fit on the subject lot, the Staff finds that this is a reasonable accommodation of the subject lot's circumstances. #550 does have a steeply pitched roof and a bay window front.

The Staff would recommend that the front porch not extend in front of the bay on the front façade, be made deeper in its remaining location, and second level be added to the remaining portion so as to make the organization and proportions of the front façade be more compatible with #550 Auburn Avenue.

Architectural Elements

In looking at the doors, windows, siding, trim, and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of closed end to the brick stairs. The Staff would recommend that the front stairs have closed ends.

Notwithstanding its concerns about the overall design and massing of the house, the design of the individual elements on the revised design (such as the doors, windows, siding, trim, front porch stairs, columns, and chimney) meet the District regulations.

The front porch stairs have closed ends.

The revised plans show brick front porch stairs.

The Staff is also concerned about the lack of windows on the right side elevation and the size of the windows that are included both of which create large sections of blank wall which is not compatible with the contributing house on the block face and the District in general. In addition, the Staff is concerned about the windows and doors on the front façade. In particular, the Staff finds that the two very small, square windows and French doors on the second level are not compatible with 603 Auburn Avenue or the District as a whole. It is also not clear what type and size light divisions might or might not be proposed for the front façade windows. Lastly, the rear façade, paired windows do not include trim between the window units. The Staff would recommend that the number of windows, their size, light divisions, trim, and their spacing be revised to be consistent and compatible with the contributing house on the block.

Notwithstanding its concerns about the overall design and massing of the house, the Staff is still concerned about the lack of windows on the right side elevation.

The Staff would retain its previous recommendation regarding the windows.

The Staff has no concerns about the number, size, and location of the windows.

The Staff would recommend that all windows have simulated divided lights with light division permanently affixed to the glass and be double hung.

The Staff would retain its previous recommendation about the light division technique for the windows.

The Staff would further recommend that the French doors to the second level porch be removed from the design.

The French doors have been removed from the proposed design.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, cementitious siding, stucco foundation, and a stucco chimney are compatible with the District. However, it is not clear the material of the front door, front porch floor, and finish of the siding. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

The Staff would retain its previous recommendation about the materials.

The Staff would retain its previous recommendation regarding the materials and would note that among other requirements, the chimney must be faced in brick.

The Staff would retain its previous recommendations regarding the materials.

Lastly, the Staff would note that no left side elevation was included in the submission. The Staff would recommend that a left side elevation be submitted to the Staff for review.

A left elevation was included in the revised submission.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request is no long required given the rear yard setback has been meet, per Section 16-20C.003, .004. and .005;***

Staff recommends ***denial without prejudice*** of an Application for a Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce rear yard setback from 10' (required) to 7' (proposed) at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the substantial exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends **approval** of an application for a Type III Certificates of Appropriateness (CA3-13-350) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline to allow time for the Applicant to address the following concerns:

1. *The Applicant shall confirm their technique for measuring the front yard setback, per Section 16-20C.007(2)(b);*
2. *The front yard setback shall reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed, per Section 16-20C.007(2)(b);*
3. The Applicant shall document compliance with the side yard setback requirements, per Section 16-20C.007(2)(b);
4. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.008(2)(b)(6);
5. The Applicant shall document compliance with the District lot coverage requirements, per Section 16-20C.006(1)(a);
6. A compliant public sidewalk and curb cut shall be installed with the construction of the house, per Section 16-20C.007(1)(a) and 16-20C.009(3);
7. All mechanical equipment shall be shown on the site plan and shall meet the District regulations, per Section 16-20C.008(1)(d);
8. ***The front porch shall not extend in front of the bay on the front façade, be made deeper in its remaining location, and second level be added to the remaining portion so as to make the organization and proportions of the front façade be more compatible with #550 Auburn Avenue, per Section 16-20.008(1)(a);***
9. The number of windows, their size, light divisions, trim, and their spacing shall be revised to be consistent and compatible with the contributing house on the block, including but not limited to all windows shall have simulated divided lights with light division permanently affixed to the glass and be double hung, per Section 16-20C.008(1)(b) and 16-20C.008(2)(b);
10. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20C.008; and
11. ***The Staff shall review and if appropriate approve, the final elevations, plans and supporting materials.***

